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FORM 10807

DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022

**NOTICE OF ALLOWANCE
AND ISSUE FEE DUE**

- ☐ Note attached communication from the Examiner
☐ This notice is issued in view of applicant's communication filed _____

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/175,171	12/28/83	010	LEWIS, A	3307 03/07/95
First Named Applicant				
DARBYES,			MICHAEL B.	
TITLE OF INVENTION				
INHALATION DEVICE				

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 295496492051	120-302.150	001	1011.11V	NO	\$1210.00	11/07/95

**THE APPLICATION IDENTIFIES ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY Status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or
B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.
- III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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Spruell
8-4-95

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/175,174	12/28/93	DAVIES	N 295406403US1
			EXAMINER LEWIS, R
DARBY & DARBY 805 THIRD AVENUE NEW YORK, NY 10022			
F3M1/0807			
		ART UNIT	PAPER NUMBER
		0307	35/E
DATE MAILED		08/07/95	

NOTICE OF ALLOWABILITY

PART I

- ☒ The communication is responsive to 7/14/95 (Telephonic Interview)
- ☒ All the claims being allowable. PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- ☒ The allowed claims are 1, 4-23
- ☒ The drawings filed on 5/14/92 are acceptable.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application Serial No. _____ filed on _____.
- ☒ Note the attached Examiner's Amendment.
- ☒ Note the attached Examiner Interview Summary Record, PTOL-413.
- ☐ Note the attached Examiner's Statement of Reasons for Allowance.
- ☐ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - ☐ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
 - ☐ The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - ☐ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments

- ☒ Examiner's Amendment
- ☒ Examiner Interview Summary Record, PTOL-413
- ☐ Reasons for Allowance
- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Citation, PTO-1449

- ☐ Notice of Informal Application, PTO-152
- ☐ Notice re Patent Drawings, PTO-948
- ☐ Listing of Bonded Draftsmen
- ☐ Other

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Pursuant a telephone conversation with Joseph B. Lerch, attorney for the applicant, the following authorized changes have been entered.

Nonelected claims 22-26 have been cancelled.

In claim 1, line 12, "...the..." has been deleted and --such a-- has been substituted therefor; in line 15, the first recitation of "...the..." has been be deleted; in line 15, the second recitation of "...the..." has been deleted and --such an-- has been substituted therefor.

In claim 8, line 13, "...the..." has been deleted and --such a-- has been substituted therefor; in line 14, "...the..." has been deleted and --such a-- has been substituted therefor; in line 20, "...the..." has been deleted; in line 20, "...said..." has been deleted and --such an-- has been substituted therefor.

In claim 11, line 13, "...the..." has been deleted and --such a-- has been substituted therefor; in line 14, "...the..." has been deleted and --such a-- has been substituted therefor; in line 20, "...the..." has been deleted; in line 20, "...said..." has been deleted and --such an-- has been substituted therefor.

In claim 16, lines 14-33 have been deleted and

--for receiving a container of a medicament pack being used with said inhalation device;

peeling means positioned to engage a base sheet and a lid sheet of a container which has been received in said opening station for peeling apart such a base sheet and lid sheet to open such a container, said peeling means including driving means for pulling apart a lid sheet and a base sheet of a container that has been received at said opening station;

an outlet positioned to be in communication with an opened container through which a user can inhale medicament in powder form from such an opened container;

indexing means for indexing in communication with said outlet containers of a medicament pack in use with said inhalation device, said indexing means including,

means for guiding such a lid sheet and base sheet along separate paths at said opening station, said paths reuniting downstream of said opening station, said driving means being located after the point where said paths reunite and being operable to drive both a lid sheet and a base sheet.-- has been substituted therefor.

Claims 2 and 3 have been cancelled. in claim 1.

In claim 4, line 1, "...3..." has been deleted and --1-- has been substituted therefor; in line 2, "...the..." has been deleted and --such peelable-- has been substituted therefor; in line 3, the

first recitation of "...the..." has been deleted and --an-- has been substituted therefor; in line 3, the second recitation of "...the..." has been deleted and --such peelable-- has been substituted therefor; in line 4, "...the..." has been deleted and -an-- has been substituted therefor; in line 5, the first recitation of "...the..." has been deleted and --such a-- has been substituted therefor; in line 5, the second recitation of "...the..." has been deleted and --such-- has been substituted therefor; in line 6, "...the device..." has been deleted and --said means positioned to engage-- has been substituted therefor; in line

7, the first recitation of "...the..." has been deleted and --such a-- has been substituted therefor; in line 7, --a-- has been inserted after "...and..." but before "...base...".

In claim 5, line 3, "...the..." has been deleted and --such a-- has been substituted therefor.

In claim 6, line 3, "...the..." has been deleted and --such a-- has been substituted therefor.

In claim 14, line 3, "...the..." has been deleted and --such a-- has been substituted therefor.

In claim 18, line 2, "...the elongate..." has been deleted.

The above changes were made in order to reword claims 1,4-6,8,11,14,16,18 to make the language consistent with applicant's intention to claim an inhalation device alone as indicated in the remarks on page 6 of the amendment filed 04/17/95.


Serial No. 08/175,174
Art Unit 3307

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Authorization for this Examiner's Amendment was given in a telephone interview with Joseph B. Lerch on 07/14/95.

Any inquiry concerning this communication should be directed to Aaron J. Lewis at telephone number (703) 308-0716.

Aaron J. Lewis
July 21, 1995


AARON J. LEWIS
EXAMINER
ART UNIT 337